ITIONER'S EXHIBIT#2

NORTH CAROLINA ADMINISTRATIVE CODE 03/24/80

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CORRECTION - DIVISION OF PRISONS

T05: 02B ,0100

SUBCHAPTER 2B - INHATE CONDUCT RULES, DISCIPLINE يرامد داواد فمعطمه فتوفيد ويمني الرابات المعجوب المنافق الرابات المعجوب المعجوب الرافق المرابات الرافق المرابات

SECTION .0100 - GOOD TIME AND GAINED TIME

Old PURPOSE

This policy established a method of computing good time for acceptable behavior and earned gained time for behavior which would not normally be required of an inmate confined within any of the facilities within the division of prisons. All inmates, including CYO's and those with life terms, shall be allowed a maximum of 107 days good time for acceptable behavior for each year served. Good time shall be subjected to forfeiture for misbehavior as determined by appropriate disciplinary action. Regular good time shall be computed on a pro rata basis and shall be equivalent of 8.94 days per 30.4 day month or 29.411 percent of total sentence length.

History Note: Statutory Authority 5.5. 148-11; Eff. February 1, 1976.

Olio APPLICATION

Stineates who perform work, whether full-time or part-time or participate in specific training programs which would assist in their productive reentry into the community, shall be allowed additional gained time which shall be regulated as gained time!

If and III. Gained time which shall be regulated as gained time!

If and III. Gained time shall not be subjected to forfeiture and will be administered as follows:

(I) Gained Time I. In addition to the B.54 days per BO.4 day month of regular good time, inmates who perform short-term work assignments (requiring a minimum of four hours of actuat work per day) or who participate in on-site academic and occational training programs shall be eligible to receive an additional 2.05 days per month gained time for a total of II.03 days per 30.4 day month. Such additional gained time shall not be subject to forfeiture for misbehavior and shall be the equivalent of 6.89 percent of the remaining sentence.

(2) Gained Time II. In addition to the regular good time of 8.94 days per 30.4 day month, all inmates who satisfactority perform job assignments requiring a minimum of six hours work per day or who perform acceptably in part-time work release or study release programs shall be altowed an additional 3.81 days gained time for a total of 12.75 days per 30.4 day month. Such additional gained time shall not be subject to forfeiture for misbehavior

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shall be the equivalent of 12.55 percent of the Case 5:18-Cave political and in addition to regular good time of 8.94

Case 5:18-Cave political and books and the partition of six hours per day with NORTH CAROLINA ADMINISTRATIVE CODE 03/24/80

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CORRECTION - DIVISION OF PRISONS
                 and shall be the equivalent of 12.55 percent of the remaining sentence.

(3) Gained Time III. In addition to regular good time of 8.94 days per 30.4 day month, all inmates performing assigned jobs requiring a minimum of six hours per day with requirements for special skills or specialized responsibilities such as specialized maintenance, cook, operator, canteen operator, or hospital technician as well as inmates participating in full-time study release or work release shall be authorized to receive an additional 5.77 days gained time for a total of 14.71 days per 30.4 day month. Such additional gained time shall not be subjected to forfeiture for misbehavior and shall be the equivalent of 18.98 percent of the remaining sentence.

(4) Emergency Gained Time. All inmates who perform work beyond a regular 40 hour work week during extrematy inclement weather tollow 20 degrees Farenheit—chill factor), or under emergency conditions shall be compensated on the basis of one day of emergency gained time for one day worked. The Length of the day shall be determined by the nature of the work assignment to be merformed under the conditions mentioned in this bussection. Such gained time shall be reported separately on the history card attachment (flimsy) and shall not be subjected to forfeitures for misbehavior.

History Note: Statutory Authority G.S. 148-11;
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         Commence of the control of the contr
                              History Note: Statutory Authority G.S. 148-11;
Eff. February 1, 1976.
        (a) Recording Time Earned. Dnly good time will be computed automatically on the inmate's record in the data processing section. Initiation of gained time status in categories number 1, 11, and 111 must be initiated by the unit super intendent or institution head using the history card attachment (flimsy).

(b) Transfer. When an inmate is transferred, gained time status in categories number 1, 11, and 111 is automatically terminated. Usc of the history card attachment (flimsy) is not necessary to terminate gained time status in categories number 1, 11, and 111 when an inmate is transferred from the unit or institution.

(c) Emergency Gained Time. Under the conditions mentioned
          institution.
(c) Emergency Gained Time. Under the conditions mentioned
above, emergency gained time must be reported on the history card
attachement (flimsy) by reporting the actual number of days
worked.
(d) Heritorious Gained Time. The Director of Prisons may
award additional gained time to an inmate for exceptionally
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ritorious behavior.	Heritorious gains	d lime sha	[[no[00	
bject to forfeiture. (e) Restoration of irough disciplinary actistication heads. King be restored per monitod time of more than	Good Time. Regul tion may be restored of more than 30 day th. Any single re 30 days shall be at	ar good time by administ s of regular storation o the discret	forfell ralors good l f regul ion of	ed and ime Lar Lhe	
History Note: Statul	ory Authority 5.5. I	48-13;	* 45		
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SECTION .0200 - DISCIPLINARY PROCEDURES

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CORRECTION - DIVISION OF PRISONS

TOS: 02B .0100

CHAPTER 2 - DIVISION OF PRISONS

SUBCHAPTER 2B - INMATE CONDUCT RULES: DISCIPLINE

SECTION .0100 - GOOD TIME AND GAINED TIME

OIDI PURPOSE

This policy establishes a method of computing sentence reduction credits in the form of Good Time for salisfactory behavior, Gain Time for participation in work or program assignments, and meritorous time for behavior or specific acts not normally required of an inmale. This policy applies to inmales confined in any facility in the Division of Prisons of the North Carolina Department of Correction, a jail, a regional confinement facility, a "County Farm", or any other local confinement facility established for the incarceration of convicted offenders. convicted offenders.

History Note: Statutory Authority G.S. [48-11; 148-13; 15A-1340.7; Eff. February 1, 1976; Amended Eff. September 1, 1983; February 1, 1982; February 23, 1981.

.0102 GOOD TIME

(a) Regular Sentence Good Time. Hith the exception of those inmates sentenced to a split-sentence lerm, the following categories of inmates shall be anarded regular sentence good lime credit at the rate of one day deducted from the inmate's prison or jail term for each day he spends in custody without a major infraction of prison conduct rules:

(I) All inmates sentenced for crimes committed before July 1, 1981;

(2) All inmates sentenced for misdemeanors, whether the misdemeanor was committed before or after July 1, 1981; and

and
(3) All inmales sentenced to life imprisonnment upon conviction of a Class C felony under Article BIA of Chapter 15A of the General Statutes.
(b) Fair Sentence Good Time. Excepting split-sentence inmales and inmates who were convicted of Class A, B, or C felonies, as provided by Article BIA of Chapter 15A of the General Statutes, inmates sentenced for felonies committed on or after July 1, 19B1, shall receive Fair Sentence Good Time credit at the rate of

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conviction of a Class C felony under Article 81A of Chapter 15A of the General Statutes.

(b) Fair Sentence Good Time. Excepting split-sentence inmates and inmates who were convicted of Class A, B, or C felonies, as provided by Article 81A of Chapter 15A of the General Statutes, inmates sentenced for felonies committed on or after July 1, 1981, shall receive Fair Sentence Good Time credit at the rate of

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CORRECTION - DIVISION OF PRISONS

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one day deducted from the inmate's prison or jail term for each day the inmate spends in custody without a major infraction of day the inmate spends in custody arthout a major and prison conduct rules.

(c) Forfeiture. Good Time, Roth Regular and Fair Sentence, shall be subject to forfeiture through disciplinary action for conviction of major infractions as the result of violations of prison conduct rules.

(d) Restoration of Forfeited Good Time. Good Time forfeited through disciplinary action may be restored by area administrators, institution heads, and, in the case of inmates confined to local confinement facilities, the cheriff or administrator of a regional confinement facilities. Such restoration shall be based upon documented incidents of improved administrator of a regional confinement facility restoration shall be based upon documented incidents of behavior by the inmate.

History Note: Filed as a Temporary Amendment Eff. April 1, 1983 for a Period of 60 Days to Expire on June 1, 1983; Statutory Authority G.S. 148-11; 148-13; 158-1340.7; Eff. February 1, 1976; Amended Eff. September 1, 1983; June 1, 1983; February 1, 1982; February 23, 1981.

(a) Regular Gain Time. Inmates in the categories defined by Paragraph (a) of Rute. 2022 who perform work, whether full-time or part-time, or participate in specific training programs which would assist their productive re-entry into the community, shall be attorned sentence reduction credits which shall be regulated as Regular Gain Time 1, 11, and 111. Regular Gain Time shall not be subject to forfeiture for misconduct and will be administered as follows:

(1) Regular Gain Time I. In addition to Regular Good Time credits, inmales who perform short-term work assignments and/or who participate in specific training programs (requiring a minimum of 4 hours of productive activity per day) shall receive credit at the rate of two days per month.

(2) Regular Gain Time II. In addition to the Regular Good Time credits, att inmates who satisfactority perform job assignments and/or who participate acceptably in specific training programs requiring a minimum of six hours per day shall receive credit at the rate of four days per month.

days per month.

Regular Gain Time III. In addition to Regular Good

Regular Gain Time III. In addition to Regular Good Time credits, all inmales performing assigned jobs with

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specific training programs requiring a minimum of six hours per day shall receive credit at the rate of four days par month. Regular Gain Time III. In addition to Regular Good Time credits, all inmates performing assigned jobs with

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requirements for special skills or specialized responsibilities such as specialized mainlenance, cook, equipment operator, canteen operator, or hospital technician, or inmates participating in fulltime specific training programs requiring a minimum of six hours per day shall receive credit at the rate of six days per month

nours per day snatt receive credit at the rate of six days per month.

(b) Fair Sentence Gain Time. Inmales in the category defined by Paragraph (b) of Rule .0102 shall be allowed sentence reduction credits which shall be regulated as Fair Sentence Gain Time I, II, and III. Fair Sentence Gain Time shall not be subject to forfeilure for misconduct and will be administered as follows: follows:

- Fair Sentence Gain Time 1. In addition to the Fair Sentence Good Time credits, all inmates who perform short-term work assignments (requiring a minimum of four hours of actual work per day) shall receive credit for work performed at the rate of two days per month. Fair Sentence Gain Time 11. In addition to the Fair Sentence Good Time credits, all inmates who perform job assignments requiring a minimum of six hours work per day or who perform in part-time work retease programs shall receive credit at the rate of four days per month.
- shall receive credit at the rate of four days per month.

 (3) Fair Sentence Gain Time III. In addition to the Fair Sentence Good Time credits, all inmates who perform job assignments requiring a minimum of six hours per day with requirements for specialized skills or responsibilities and inmates who participate in full-time work retease shall receive credit at the rate of six days per month.

 (c) Meritorous Time. The Director of the Division of Prisons or the Director's designated representative may award additional sentence reduction credits to deserving inmates. Such awards will be based upon the following categories:

 (1) Overtime. Overtime is defined as satisfactory performance in a job and/or program activity beyond a regular forty-hour work week. Fair Sentence inmates are not eligible to receive Heritorous Time for overtime based upon a program assignment.

 (2) Inclement Heather. All inmates are eligible for additional sentence reduction credit for work performed during inclement weather. Inclement weather is defined as a chill factor of below 20 degrees Fahrenheit or a temperature above 95 degrees Fahrenheit.

 (3) Emergency Conditions. All inmates are eligible for additional sentence reduction credits for work

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CORRECTION - DIVISION OF PRISONS

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performed during emergency conditions. Emergency conditions may include rain, steel and snow, or other unusual or abnormal circumstances as determined by the unusua: or approximat circumstances as determined by the appropriate approxing authority. Exemptary Acts, Att immates are eligible for additional sentence reduction credits based upon the performance of exemptary acts. Exemptary acts are defined as unusual deeds or acts performed by an approximation of the performance of the performan inmate.

Statutory Authority 6.5. 198-11; 198-13: 158-1340.7; History Note: Eff. February 1, 1976; Amended Eff. September 1, 1983; February 1, 1982; February 23, 1981.

Computed automatically on the inmate's record. Gain Time, theritorous Time, and Restored Good Time awards must be initiated by the unit superintendent or institution head upon the designated sentence reduction credit form and shall be approved as provided in Paragraphs (b) and (c) of this Rule. Transfers automatically terminate Regualar and Fair Sentence Gain Time status for inmates in the custody of the Division of Prisons. Meritorous Time awards will be accumulated and recorded on an hour for hour basis and submitted monthly in whole days, except such credit may be authorized for an exemptary act at a rate not to exceed thirty days for each act. A whole day is defined as eight hours. In the case of immates confined to local confinement facilities, the sheriff or administrator of a regional confinement facility shall establish procedures for the initiation and approval of sentence reduction credits and all authorized credits shall be recorded upon the scotence reduction credit form.

The Approving Authorities. Sentence reduction credit awards acts.

Sentence reduction credit awards (b) Approving Authorities. Se are subject to approval as follows:

Unit superintendents shall have authority to approve Gain Time awards and to approve Meritorous Time awards not to exceed ten days per month per inmate. Institution heads shall have authority to approve Gain Time awards and to approve Meritorous Time awards not to exceed thirty days per month per inmate. Area administrators shall have authority to approve Meritorous Time awards not to exceed thirty days per month per inmate.

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COMPECTION - DIVISION OF PRISONS

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Att Heritorious Time awards which exceed 30 days in a month out be approved by the Director of the Division Two Self of Prisons.

is: Restoration of Forfeited Good Time, Soud Time forfeited consists restoration of Forfeited Good Time, Soud Time for feited transport descriptions and the exceed thirty days per month ser constants and the restored by area administrators and institution services. A recommendation initiated by the appropriate authority Case 5:18-cv-00092-MR2 Document 14-13:Filed 12/18/19 Page 7 of 7 of Prisons.